

-2-

REMARKS

This is in response to the Final Office Action mailed June 19, 2002. Claims 1-20 are pending in the application and have been rejected. Applicants respond to the issues raised in the Office Action as follows.

**Response to claim rejections - 35 U.S.C. § 102**

Claims 1-2, 7-8, 10-12, 14-15 and 18-19 were rejected under 35 U.S.C. § 102(e) as being anticipated by Evans et al. ("Evans"), U.S. Patent No. 5,862,015. Claims 1-2, 7-8 and 10-11 recite a disc drive comprising inter alia a detector outputting a level detected signal. Evans does not teach nor suggest this claimed feature.

In particular, as illustrated in FIG. 4, and as recited in the rejected claims, Applicants' detector 104 includes a level detector 120. As described, level detector 120 passes a threshold signal amplitude 122 for transducer signal 124 to output a level detected signal indicative of head vibration which is not taught nor suggested by Evans. Column 4, lines 55-Column 5, lines 12 and Column 7, lines 41-52 of Evans recite a transducer circuit 10 having an electrical resistance which varies with motion and the resistance is converted into an electrical signal or voltage across contacts 30. The converter 17 can then be electrically connected to a servo control system to provide head-off neutral motion information. Evans does not teach nor suggest a level detected signal. Therefore, Evans cannot teach or suggest the claimed feature of a detector outputting a level detected signal.

Each of the recited claim elements or claim limitations must be considered to determine patentability. The Office Action does not contain any indication that the claim limitation reciting a detector outputting a level detected signal was considered as a basis for determining patentability and accordingly, reconsideration and allowance of rejected claims 1-2, 7-8 and 10-11 are respectfully requested.

-3-

Rejected claims 12, 14-15 and 18-19 recite a method of operating a disc drive comprising *inter alia* the step of outputting a level detected signal that, as previously discussed with respect to claim 1, is not taught nor suggested by Evans. Therefore, claim 12 and dependent claims 14, 15, 18 and 19 are not anticipated and are thus allowable.

Dependent claims 7, 8 and 10-11 were further rejected as recited in the Office Action. Applicants traverse the rejections of claims 7, 8 and 10-11 as recited in the Office Action on the basis that the subject matter of the dependent claims is not taught as recited in the Office Action. Furthermore, dependent claims 7, 8 and 10-11 are allowable based upon the allowability of claim 1.

**Response to claim rejections - 35 U.S.C. § 103**

Claims 3-4, 9, 16-17 and 20 were rejected under 35 U.S.C. § 103 as being unpatentable over Evans in view of Perry, U.S. Patent No. 3,688,287. Claims 3-4 and 9 are dependent upon claim 1 which as previously discussed, is not taught nor suggested by Evans nor does the further combination of Perry teach nor suggest the recited subject matter including a detector outputting a level detected signal. Claims 16-17 and 20 are dependent upon claim 12 which, as previously discussed, is not taught nor suggested by Evans nor the further combination of Perry since the combination of Evans and Perry does not teach nor suggest outputting a level detected signal as claimed.

Claims 5-6 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over Evans in view of Novotny, U.S. Patent No. 6,362,542. Claims 5-6 are dependent upon claim 1 and claim 13 is dependent upon claim 12 which are not taught nor suggested by Evans nor does the further combination of Novotny teach or suggest the subject matter claimed. Accordingly, the combination of Evans and Novotny does not teach nor suggest the subject matter of claims 5-6 and 13. Furthermore, Novotny is prior art under 35

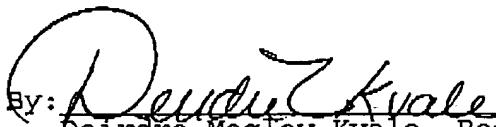
- 4 -

U.S.C. § 102(e) and is assigned to the same Assignee as the present application and therefore, is excluded from forming a basis for rejecting the claims under 35 U.S.C. § 103(c) as amended by the American Inventors Protection Act of 1999 and as enacted on November 29, 1999.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:   
Deirdre Megley Kvale, Reg. No. 35,612  
Suite 1600 - International Centre  
900 Second Avenue South  
Minneapolis, Minnesota 55402-3319  
Phone: (612) 334-3222 Fax: (612) 339-3312

DMK:tas

-5-

MARKED-UP VERSION OF REPLACEMENT CLAIMS

19. (Twice Amended) A drive assembly comprising:

a movable head suspension assembly supporting a head;  
and

means on the movable head suspension assembly for  
detectingproviding a level detected signal  
indicative of head vibration.